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#  Application Form

# Section 168(4) of the Commonhold and Leasehold Reform Act 2002

## Application to determine that a breach of covenant or a condition in the lease has occurred

**It is important that you read the notes below carefully before you complete this form.**

**Please write clearly in BLACK ink and tick boxes where appropriate.**

**This application form is also available in Welsh. Please contact the tribunal for a Welsh version of this form.**

This is the correct form to use if:

* you are a landlord under a long lease of a dwelling (i.e. generally a lease that has been granted for more than 21 years) and
* you wish to apply to the Tribunal for a determination under section 168(4) of the Commonhold and Leasehold Reform Act 2002 that a breach of covenant or condition in the lease has occurred.

### Documents

You must send a copy of the lease(s) containing the covenant or condition alleged to have been breached. Failure to send the required lease(s) might make this application invalid.

Please do not send any other documents at this time. If and when further documents, information or evidence are needed, you will be asked to send them separately.

The tribunal will receive applications by email to rpt@gov.wales or in hard copy by post.

Please send the completed application form and the required lease(s) to:

**Residential Property Tribunal**

**Oak House**

**Cleppa Park**

**Celtic Springs**

**Newport**

**NP10 8BD**

### Note to Applicants

Applicants are advised that any information that they provide to the Tribunal may be recorded in a decision document. All decisions made by the Tribunal are open to the public.

The Residential Property Tribunal welcomes correspondence and phone calls in Welsh and English. This includes submitting forms, documents and written representations to the Tribunal.

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| 1. **1. Language Preference**
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| Would you prefer to correspond with us in: | Welsh [ ] English [ ]  Both [ ]   |
| Would you prefer any verbal communication to be in: | Welsh [ ] English [ ]  Both [ ]   |
| Would you prefer to speak Welsh or English at your Tribunal Hearing? | Welsh [ ] English [ ]  Both [ ]   |
| **2. Languages Spoken** |  |
| What languages do you use to communicate? (Please tick all that apply) | Welsh [ ] English [ ] Other (please state) [ ]  |
|  | Click or tap here to enter text. |
| 1. **3.** We would like to support the use of the Welsh language in Tribunals. If you can speak Welsh, and have indicated English as your language of choice, is there a specific reason why you have chosen to communicate in English?
 | (Your answer will not affect the substance of your case in any way)  |
| Click or tap here to enter text. |  |

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| 1. Details of Applicant(s) (If there are multiple applicants please continue on a separate sheet) |
|  Name: |  |  |
|  Address (*including postcode*): |  |  |
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|  Address for correspondence (*if different*): |  |  |
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|  Telephone: *Day:* |  | *Evening:* |  | *Mobile:* |  |  |
|  Email address: |  |  |
|  Capacity (*e.g. Owner*): |  |  |
|  Representative details: |  |  |
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| 1A. Disclosure of information |
| The Tribunal may copy the application form to other appropriate persons (e.g. other service charge paying leaseholders in the building or development). If you are a leaseholder and do not want your telephone number or email address to be disclosed to other such persons, please omit those details from Box 1 and attach them on a separate sheet. Please also confirm that you do not want your (a) telephone number (b) email address details disclosed to other persons and confirm that you have supplied these on a separate sheet headed in bold and capital letters; **CONTACT DETAILS NOT TO BE SHARED WITH OTHERS**.If you are sending in the application form and attachments by PDF, then the contact details not to be shared sheet MUST be sent in a separate attachment. |
| Note: Where details of a representative have been given, all correspondence and communication will be through them until the Tribunal is notified that they are no longer acting. |

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| 2. Subject Property Address (Including Postcode) |
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| 3. Details of Respondent(s)  |
|  Name: |  |  |
|  Address (*including postcode*): |  |  |
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|  Address for correspondence (*if different*): |  |  |
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|  Telephone: *Day:* |  | *Evening:* |  | *Mobile:* |  |  |
|  Email address: |  |  |
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| 4. Details of Covenant or Condition of the Lease Alleged to have been breached |
| Please specify the particular covenant in the lease that is alleged to have been breached, and give details as to the nature of the alleged breach. |
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| 5. Jurisdiction |
|  | Has the tenant admitted the breach?YES [ ]  NO [ ]  |  |
|  | Has the alleged breach been:* referred to arbitration or is it be so referred YES [ ]  NO [ ]
* the subject of determination by a Court YES [ ]  NO [ ]
* the subject of determination by an arbitral Tribunal YES [ ]  NO [ ]

If yes, please give details. |  |
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Please note that the Residential Property Tribunal may not have jurisdiction in such circumstances.

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| 6. Can We Deal With Your Application Without A Hearing? |
| It is possible for your application to be dealt with entirely on the basis of written representations (‘paper determination’) but only if:* the Tribunal thinks it is appropriate
* all parties agree in writing

Even if you agree to a paper determination* the Tribunal may decide that an oral hearing is necessary
* you or any other party may still ask for an oral hearing at any time before the determination is made
 |
| Do you agree to this application being determined without an oral hearing? | YES [ ]  | NO [ ]  |
| Please ensure that you complete this form in full on the assumption that there will be an oral hearing.  |

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| 7. Urgency of Application |
| We need to decide whether the case needs to be dealt with quickly. Please let us know if there is a particular urgency for a determination in this case and if so, why? |
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| 8. Availability |
| If there are any days or dates we must avoid during the next three months please list them here |
|  | Dates on which you will NOT be available: |  |
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| 9. Venue Requirements |
| Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. wheelchair access, presence of an interpreter).It will assist the Tribunal in making the arrangements if it has been made aware of your needs. |
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| 10. Statement of Truth |
| **I believe that the facts stated in this application are true.** |
| Signed: |  |  |
| Name (IN CAPITALS):  |  |  |
| Capacity (if appropriate) (e.g. Director, Company Secretary) |  |
| Date: |  |  |  |
|  |

### Checklist

Please check that:

* you have completed this form in full
* you have enclosed the lease(s)

The Tribunal will not process your application if you have not done so.

**Please contact the Residential Property Tribunal if you have any questions about how to fill in this form or the procedures the Tribunal will use:**

**Telephone: 0300 025 2777**

**Email:** **rpt@gov.wales**